

CONCLUSIONS

Applicant believes that the Examiner's requirement for election and restriction is in error. Applicant has respectfully requested reconsideration and withdrawal or modification of the request for election / restriction because of error. The Examiner has not provided a valid reason why the inventions listed in Groups I through IV do not relate to a single general concept under PCT 131. The Examiner stated that "applicant's Group I through IV claims lack the same or corresponding special technical feature". The Examiner continues with "because the corresponding technical feature is the use of Lo Han Kuo Extract as a sweetener in foods, such as ice cream.

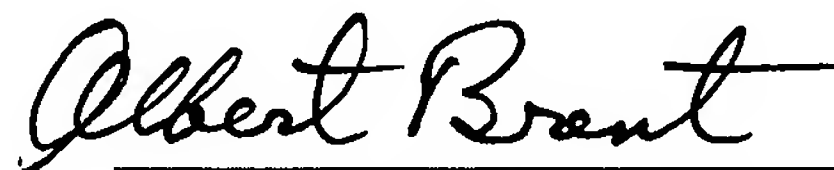
Applicant asserts that his claims have a common special technical feature; and that the Examiner has wrongly characterized applicant's technical feature. Further, applicant's special technical feature is part of all of the claims in Groups I through IV, as well as new claims 30 to 32, linking them to constitute a single general inventive concept under PCT Rule 13.1. Applicant's special technical feature comprises a novel synergistic mixture of Sucralose powder and Lo Han Kuo powder. The juice of Luo Han Guo, disclosed in the reference Sarama et al, is made from a different plant than that used to make applicant's powdered Lo Han Kuo extract. The reference Sarama et al neither teaches nor suggests applicant's invention.

Application Control Number 10/559851
Art Unit 1794

Page 7

The Examiner is respectfully requested to reconsider and withdraw or modify the requirement for Election/Restriction and to allow all claims 17 through 32 . In the event only Group II claims are approved by the Examiner , then applicant solicits the Examiner to combine and allow Groups II and III claims including new claims 31 and 32 . These claims are linked together by the same special technical feature and have the same general inventive concept , as previously mentioned.

Respectfully submitted ,

A handwritten signature in cursive script, reading "Albert Brent".

Albert Brent, Reg. No. 18,459
Attorney for Applicant